IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 336 OF 2006.
IN
NOTICE OF MOTION NO. 733 OF 2006
IN
SUIT NO. 732 OF 2006

Asmabegum Coop.Housing
Society Ltd. and another. ... Appellants.
Versus.
M/s.Atul Builders and others. ... Respondents.

Shri V.A.Thorat, Senior Advocate with Shri R.O.Pathak for the Appellants.

Shri J.B.Chinai, Senior Advocate with Shri R.M.Vasudeo for the Respondents.

CORAM : KSHITIJ R.VYAS, C.J., &
ABHAY S.OKA, J.

DATE : June 13, 2006.

P.C.:

1. Heard the learned Counsel appearing for the parties. This appeal is filed challenging the order dated 16th March 2006 passed by the learned single Judge in Notice of Motion No.733 of 2006 refusing to grant ad-interim relief as prayed. Since the Notice of Motion is pending before the learned single Judge, we dispose of the appeal by giving necessary directions, which will serve the ends of justice.

2. The learned single Judge is requested to hear and decide the Notice of Motion No.733 of 2006 on merit within a period of four weeks from today. Till then

Respondents shall not create any third party interests in respect of the suit property.

3. Since we are not deciding the appeal on merits, needless to say that it is open for the parties to raise all available contentions.

4. Appeal stands disposed with above directions.

CHIEF JUSTICE

ABHAY S.OKA, J.